

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:09-cv-397-LM
)	
ELIZABETH MORRISON, f/k/a Elizabeth)	
Ruyack, individually, and as the trustee of)	Judge Landya B. McCafferty
the Balmoral Realty Trust,)	
THE SIWOOGANOCK BANK,)	
PASSUMPSIC BANK, THE PROVIDENT)	
BANK, JOHN DUPUIS, KAREN DUPUIS,)	
RONALD MORRISON, and)	
BARBARA MORRISON,)	
)	
Defendants.)	

ORDER APPROVING RECEIVER'S SALE OF REAL PROPERTY
LOCATED AT 2533 MAIN STREET, BETHLEHEM, NEW HAMPSHIRE,
AND DIRECTING DISTRIBUTION OF SALE PROCEEDS

Pursuant to the Judgment (Docket No. 40) and the Order Appointing Century 21 Winn Associates as Receiver (Docket No. 42) for the real property located at 2533 Main Street, Bethlehem, New Hampshire ("the Second Main Street Property"), the plaintiff United States of America has filed a motion requesting an Order approving the sale of the Second Main Street Property to Jason Witcher of Bethlehem, New Hampshire, for \$160,000.00 and directing the distribution of the proceeds of sale first to pay the Receiver's compensation and costs, second to the Town of Bethlehem for any property taxes due and owing for the Second Main Street Property, third to PNC Bank (successor by merger to National City Bank, successor by merger to defendant The Provident Bank) in the amount of the balance due under its mortgage lien against the Second Main Street Property, and fourth to the United States for application toward the unpaid federal income tax liabilities of Mark B. Morrison for the years 1996 and 1997.

The Second Main Street Property was conveyed by Mary Jane Marshall, f/k/a Mary Jane Johnson, trustee of the Mary Jane Johnson Revocable Trust, to Elizabeth A. Ruyack, Trustee of the Balmoral Realty Trust, via Warranty Deed dated November 1, 1996, and recorded on November 1, 1996, with the Grafton County Registry of Deeds at Book 2225, Page 327, and is more specifically described as:

A certain tract or parcel of land, with the improvements thereon, situate on the northerly side of Route 302 in Bethlehem, Grafton County, New Hampshire, depicted as Lot #1 on a plan entitled "Lot Line Adjustment involving lands of Hilco, Inc. and the Village at Maplewood, Inc., Bethlehem, New Hampshire" by Cartographic Associates, Inc., certified by Douglas A. Grella, L.L.S., approved by the Bethlehem Planning Board and recorded in the Grafton County Registry of Deeds as Plan No. 6982 on July 5, 1991.

In light of the submissions by the United States and the fact that neither PNC Bank nor Elizabeth Morrison (the only two non-defaulted parties claiming interests in the Second Main Street Property) has any objection, and good cause having been found, the United States' motion is GRANTED.

IT IS ORDERED as follows:

1. The sale of the Second Main Street Property to Jason Whitcher of Bethlehem, New Hampshire, for \$160,000.00 is approved in all respects as the highest and best offer. Upon receipt of the \$160,000.00 purchase price from Mr. Whitcher (or his agent), the Receiver is directed and authorized to execute a quitclaim deed (substantially in the form of the deed attached to the United States' motion) transferring title and ownership to the Second Main Street Property to Jason Whitcher (or his designee), free and clear of all of the rights, titles, claims, liens, and interests of the parties to this action.

2. The Receiver shall distribute the sale proceeds of \$160,000.00 as follows:

FIRST, to the Receiver, Century 21 Winn Associates, in the amount of \$17,357.51, comprised of a 6% commission totaling \$9,600.00, property-related expenses of \$6,557.51, and \$1,200.00 in transfer tax (to be paid to the State of New Hampshire). The receiver's compensation is consistent with the prior order appointing the receiver. See Docket No. 42 ¶ 4.

SECOND, to the Town of Bethlehem, New Hampshire, for any real estate taxes due and owing on the Second Main Street Property as of the date of the sale in accordance with 26 U.S.C. § 6323(b)(6). As of July 14, 2013, the amount of property tax due will be \$24,945.43, and there were also outstanding water charges of \$3,208.00 due as of June 1, 2013.

THIRD, to PNC Bank in the amount of the outstanding balance of its mortgage lien against the Second Main Street Property as of the date of the sale in accordance with 26 U.S.C. § 6323(a) and (e). As of June 14, 2013, the balance was \$114,026.69.

FOURTH, to the plaintiff United States of America in the amount of the remaining proceeds of the sale for application toward the unpaid federal income tax liabilities of Mark B. Morrison for the years 1996 and 1997. The Court has previously entered judgment that the United States has valid and enforceable federal tax liens against the Second Main Street Property for the federal income tax liabilities of Mark B. Morrison for the years 1996 and 1997 in the amount of \$253,567.62, plus statutory additions, including interest, accruing from and after November 15, 2009. Docket No. 40 ¶ 3. The remaining proceeds of the sale of the Second Main Street Property will be insufficient to pay these liabilities in full.

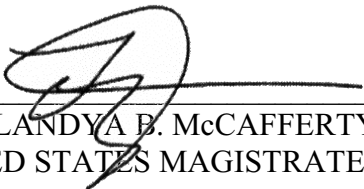
3. This Order does not affect the real property located at 2161 Main Street, Bethlehem, New Hampshire ("the First Main Street Property"), which the Receiver has already sold pursuant to a prior order of the Court (see Docket No. 45).

4. In the event that Jason Whitcher (or his agent) fails to pay over the full

\$160,000.00 purchase price to the Receiver within 30 days of the date of this Order, the Receiver may continue to market the Second Main Street Property to other prospective buyers pursuant to the Order Appointing Century 21 Winn Associates as Receiver.

IT IS SO ORDERED.

Dated: 7/3/2013



HON. LANDYA B. McCAFFERTY
UNITED STATES MAGISTRATE JUDGE